

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

June 25, 2020

PLAINTIFFS' MOTION TO CONTINUE HEARING ON BAIL REVOCATIONS

Plaintiffs respectfully move this Court to continue the portion of the hearing scheduled for June 25, 2020 at 12:00 pm regarding Defendant's motion for revocation of bail as to eight class members, ECF 223, until 48 hours after the Court adjudicates Plaintiffs' motion to compel compliance with the subpoena duces tecum served on BI Incorporated ("BI"), ECF 237, or 48 hours after production by BI if the motion to compel is granted, whichever is later.

The records at issue in that motion to compel compliance and sought by the subpoena are the GPS coordinates for the violations of house arrest alleged by Defendant as to the eight class members subject to the pending motion for bail revocation. In support of its motion, Defendant provided summary charts listing numbers and dates of supposed violations of house arrest based on underlying GPS records of BI. Defendant has never produced the underlying GPS records on which its summary charts purport to rely, neither to the Court nor to Plaintiffs. Plaintiffs have submitted individual declarations disputing the summary chart provided by Defendant. The underlying GPS coordinates may reconcile important aspects of the conflicting factual accounts,

for instance by revealing that many so-called violations reflect only that class members left their residence to stand in their yard or the curtilage of their home.

Plaintiffs' motion to compel compliance with the subpoena served on BI Incorporated challenges the basic unfairness of Defendant's reliance on a summary chart of alleged violations, while refusing to produce the underlying GPS records on which the chart purports to be based. Thus, in order to ensure the fair administration of the bail revocation proceedings, Plaintiffs respectfully request this Court to continue the portion of the June 25 hearing regarding bail revocation until at least 48 hours after BI Incorporated produces records to Plaintiffs pursuant to the Court's grant of Plaintiffs' motion to compel compliance or after the Court's denial of said motion.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Undersigned counsel certifies that the parties attempted to meet and confer regarding the substance of this Motion in an attempt to resolve the disputes but were unable to reach agreement. Plaintiffs emailed Defendant's counsel, Thomas Kanwit and Michael Sady, on June 25 at 9:10am. Attorneys Kanwit and Sady did not respond. Given the time-sensitive nature of this motion, Plaintiffs proceeded to raise it to the Court's attention.

June 25, 2020

Respectfully Submitted,

/s/ Michael J. Wishnie

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CERTIFICATE OF SERVICE

I hereby certify that, on June 25, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: June 25, 2020

/s/ Michael J. Wihsnie

Michael J. Wishnie

† Admitted *pro hac vice*.

* Motion for law student appearances pending.